

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 220*

House Bill No. 1444

by deleting everything after the caption of the printed bill and by substituting instead the following:

WHEREAS, it is the intent of the general assembly to protect the public from manufacturers or sellers of defective products who fraudulently conceal or misrepresent the defective nature of these products or intentionally sell them in violation of a valid statute, and to provide a remedy for the public if such conduct occurs; and

WHEREAS, it is the intent of the general assembly that a manufacturer or seller of a defective product who engages in fraudulent concealment, misrepresentation, or intentional sales in violation of a valid statute shall not be shielded from responsibility for such conduct by virtue of the statute of repose; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-28-103, is amended by adding the following language as a new subsection (d):

(d)(1) The time limitation specified in paragraph (a) shall not apply if the manufacturer or seller intentionally misrepresents or fraudulently conceals any material fact concerning such product which is a proximate cause of injury, death, or property damage; or if such product was intentionally sold in violation of a valid statute enacted to protect the health or safety of consumers of the product, and such statutory violation is a proximate cause of injury, death, or property damage.

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(2) If fraudulent concealment or intentional misrepresentation, or a statutory violation as described in subsection (d)(1) occurs, the action shall be commenced within one (1) year after the date the plaintiff discovers or should have discovered the injury, death, or property damage.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it, and shall apply to any cause of action filed on or after July 1, 1997.

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